

RESOLUTION NO. 75490

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE NO-BUILD EASEMENTS OVER PORTIONS OF SAN PEDRO SQUARE TO BE GRANTED TO ADJACENT PROPERTY OWNERS OR GROUND LESSEES, AND A PROPERTY USE AND MAINTENANCE AGREEMENT WITH URBAN MARKETS LLC FOR USE OF THE PERALTA ADOBE PLAZA.

WHEREAS, by Planning Commission Resolution No. 09-067, File No. CP09-054, CITY has approved a Conditional Use Permit (" Project CUP") for the development of an urban farmers market, including conditions for the use of the Peralta Adobe Plaza by Urban Markets; and

WHEREAS, condition 15 of the Project CUP requires Urban Markets to obtain and record no-build easements over parts of the Peralta Adobe Plaza; and

WHEREAS, Urban Markets is required, as a condition of the use of the Peralta Adobe Plaza under the Project CUP, to enter into a Property Use Agreement with City, and

WHEREAS, as consideration for the City's grant of no-build easements and this Agreement,, Urban Markets agrees to undertake grounds, landscape and building maintenance of the Peralta Adobe Plaza in accordance with a Property Use and Maintenance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager is hereby authorized to negotiate and execute:

1. No-build easements over portions of the Peralta Adobe Plaza to benefit and facilitate construction on the following adjacent parcels:

- a. the El Dorado Bakery Building located at 87 N. San Pedro Street (APN No. 259-35-013, 87 N. San Pedro Partners, property owners);
- b. APN No. 259-35-053, (Peralta-North San Pedro, LLC, property owner);
- c. Lusardi Building at 196 W. St. John Street (APN. No. 259-35-009, Swensen French No. 1 LLC/Green Valley, property owner); and.
- d. Property corner of W. St. John and N. San Pedro Streets (APN No. 259-35-045, Perrazzo Living Trust, Eleanor Perrazzo, Trustee, property owner).

2. A Property Use and Maintenance Agreement with Urban Markets LLC specifying the maintenance terms and conditions for use of the Peralta Adobe Plaza.

ADOPTED this 22nd day of June, 2010, by the following vote:

AYES: CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CAMPOS.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk


CHUCK REED
Mayor